

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

In the Matter of)	Docket No. FCU-2013-0007
)	
The Complaint of Carolyn Frahm)	(C-2013-0025)
)	
)	
)	

WINDSTREAM’S MOTION FOR CONFIDENTIAL TREATMENT

Windstream Iowa Communications, Inc. (“Windstream”), pursuant to Iowa Code § 22.7(3) and (6) and Iowa Administrative Code § 199-1.9(5)a(1) and (3), requests that certain exhibits pertaining to Windstream and attached to the Report filed by the Office of Consumer Advocate on November 13, 2014 be granted confidential treatment by the Iowa Utilities Board. In support of its Motion, Windstream states as follows:

The exhibits marked confidential pertaining to Windstream attached to OCA’s Report include proprietary business information and trade secrets (“Confidential Information”) about Windstream. The Confidential Information includes contracts between Windstream and third party telecommunications carriers, correspondence between Windstream and the FCC, data regarding Windstream’s settlement with the FCC and compliance with the terms of the settlement agreement. The Confidential Information derives independent economic value, from not being generally known to, and not being readily ascertainable by proper means by a person able to obtain economic value from its disclosure or use, and Windstream exercises reasonable care to maintain the secrecy of the Confidential Information. If released to competitors or to the public, this information could cause harm to Windstream’s business operations and to those third-party vendors with which Windstream does business.

Iowa law protects from public disclosure “[t]rade secrets which are recognized and protected as such by law,” as well as “[r]eports to governmental agencies, which, if released, would give advantage to competitors and serve no public purpose.” Iowa Code § 22.7(3) and (6). Iowa Code § 550.2(4) defines “trade secret” to mean information, including but not limited to programs, devices, methods or processes.

The material for which Windstream is seeking confidential treatment falls within the categories of information that Iowa law protects from public disclosure. The information marked as “Confidential” was submitted by Windstream in response to OCA’s Data Requests only for purposes of this administrative proceeding. If released, the information would give advantage to competitors and would serve no public purpose. Iowa Code § 22.7(6).

Wherefore, Windstream requests the Board to enter an order granting this Motion for Confidential Treatment and directing that Windstream’s exhibits attached to OCA’s Report, filed under seal and marked “Confidential”, be withheld from public inspection pursuant to Iowa Code §§ 22.7(3) and (6) and Iowa Administrative Code § 199-1.9(5)a(1) and (3). An affidavit of Kristi Moody in support of this motion is attached hereto.

Respectfully submitted

BELIN McCORMICK, P.C.

By /s/ Richard W. Lozier, Jr.

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ATTORNEYS FOR WINDSTREAM IOWA
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PROOF OF SERVICE

I hereby certify that the foregoing document was automatically served electronically on all parties registered with the Electronic Filing System on: November 24, 2014.

Signature: /s/ Connie Love

[W0831\0007\Motion for Conf Treatment - 2 \(02007292\)](#)